



"Ashton, David"
<David.Ashton@portofportland.com>

04/24/2008 05:53 PM

To: Lori Cora/R10/USEPA/US@EPA

cc: Kristine Koch/R10/USEPA/US@EPA, "Seeger, Andrea"
<Andrea.Seeger@portofportland.com>

bcc:

Subject: RE: Port Properties list - POP CONFIDENTIAL

Lori, attached is the revised list of Port properties that would be addressed under the revised proposal. My modifier was intended to apply to both owned/operated and formerly owned/operated properties. As you can see, it still adds up to a very substantial list (29). I inserted "initially" to make it clear that EPA maintains the discretion to choose to expand the scope of the 104(e) request beyond these categories of sites if EPA is not satisfied with the results. I inserted "due diligence" to make it clear that we would be searching our records for relevant sites. In fact, our inquiries to date have added two facilities to the list. The task of dealing with the 29 locations is daunting, but we will do it if we have to.

David

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-----Original Message-----

From: Cora.Lori@epamail.epa.gov [mailto:Cora.Lori@epamail.epa.gov]
Sent: Thursday, April 17, 2008 12:12 PM
To: Ashton, David
Cc: Koch.Kristine@epamail.epa.gov; Moore, Sara
Subject: RE: Port Properties list

Hi, David. I need clarification on the revisions to the definition of Properties you propose. Does the change you made to second and third sentences mean, that for both currently owned/operated, etc. properties as well as previously owned/operated, etc. that "initially" Properties shall be only properties that the Port is aware require investigation or potential cleanup? Our original language would only have put the knowledge of investigation/cleanup limitation only on past owned/operated properties. You have inserted "initially" as if the knowledge limitation would be lifted later. What were you thinking in adding this word? Why did you add "after diligent inquiry", I believe EPA would want to know about a property that the Port learns, under any circumstance, needs to be investigated or cleaned up. Also, we have not received the reconciliation we requested. Kristine is on vacation until April 28th. It would be good if we could finalize the definition language while she is gone so that she can review your property list upon her return.

The term "Property(ies)" shall refer to any and all real or personal property within the Portland Harbor Investigation Area that Respondent owns, leases, manages, operates, has an easement on, or otherwise has an affiliation. "Property(ies)" shall also include real property Respondent previously owned, leased, managed, operated, or had an easement on, or was otherwise affiliated. Initially, covered "Properties" shall be properties in respect of which the State of Oregon, any federal agency, or any third party has notified

the Port that a property requires investigation or potential cleanup, or that the Port knows or comes to know after diligent inquiry requires investigation or potential cleanup. Property(ies) shall not mean real property that the Port may have owned or managed only for the purpose of filling and making the property suitable for use or development, where such property was never operated or leased for commercial uses by the Port. The term Property includes aquatic lands owned, leased, or otherwise controlled by Respondent. Please note that you must answer the Questions in this Information Request related to properties outside the Investigation Area if Question 4, Section 2.0 specifically instructs you to.

Lori Houck Cora
Assistant Regional Counsel
Office of Regional Counsel
U.S. Environmental Protection Agency
Region 10, ORC-158
1200 Sixth Avenue
Seattle, WA 98101
(206) 553-1115
cora.lori@epa.gov

"Ashton, David"
<David.Ashton@portofportland.com>
>

04/10/2008 04:59
PM

To
Lori Cora/R10/USEPA/US@EPA,
"Moore, Sara"
<Sara.Moore@portofportland.com>
cc
Kristine Koch/R10/USEPA/US@EPA
Subject
RE: Port Properties list

We will do the reconciliation. Sara was out sick today but hopefully will be in tomorrow and do this promptly. Thanks.

David

-----Original Message-----

From: Cora.Lori@epamail.epa.gov [mailto:Cora.Lori@epamail.epa.gov]
Sent: Thursday, April 10, 2008 12:25 PM
To: Ashton, David; Moore, Sara
Cc: Koch.Kristine@epamail.epa.gov
Subject: Fw: Port Properties list

The original message came back undeliverable. I hope this time it works.

Lori Houck Cora
Assistant Regional Counsel
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----- Forwarded by Lori Cora/R10/USEPA/US on 04/10/2008 12:24 PM -----

Lori
Cora/R10/USEPA/U
S

04/10/2008 11:22
AM

david.ashton@portofportland,
sara.moore@portofportland

To

cc

Kristine Koch/R10/USEPA/US@EPA,
Elizabeth
McKenna/R10/USEPA/US@EPA

Subject

Fw: Port Properties list

Hello, David and Sara. Thanks for sending us the list of 27 sites you propose fit the revised definition of "Properties" that we have been discussing. Unfortunately, we cannot easily link the 27 sites on your list to our list of parcels on the excel sheet we previously sent and which I am forwarding again. We would appreciate if you would identify the properties listed on our excel spreadsheet that comprise your list. Also, for the Port affiliated properties listed on our excel spreadsheet that are not within one of your 27 sites, please supply a brief (one to two sentence) explanation why you propose you need not provide a response at this time. With this information we should be able to finalize the scope of the Port's Information Request quickly.

Lori Houck Cora
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----- Forwarded by Lori Cora/R10/USEPA/US on 04/10/2008 10:52 AM -----

Kristine
Koch/R10/USEPA/U
S

03/17/2008 12:20
PM

"Moore, Sara"

<Sara.Moore@portofportland.com>

To

cc

"Ashton, David"

<David.Ashton@portofportland.com>

, "LaFranchise, Nicole"

<Nicole.LaFranchise@portofportland.com> ,

cora.lori@epamail.epa.gov ,

Elizabeth

McKenna/R10/USEPA/US@EPA

Subject

Port 104(e) Request(Document
link: Lori Cora)

Sara - As discussed in our meeting, here is a list of all the properties we are currently interested in with indication of POP involvement.

(See attached file: POP - properties.xls)

Kristine Koch
Remedial Project Manager
USEPA, Office of Environmental Cleanup

U. S. Environmental Protection Agency
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1200 Sixth Avenue, Suite 900, M/S ECL-115
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042408 B EPA 104(e) - POP Properties List.xls 042408 Updated List of Port Sites (3).doc